

REMARKS

Claims 1 through 6 and 8 through 24 are presented for consideration upon entry of the instant amendment which is respectfully requested. Claims 19 through 24 are new.

The Office Action rejects claims 1, 2, and 8 through 18 under 35 U.S.C. §102(b) over U.S. Patent No. 5,154,659 to Gluckin ("Gluckin"). The Office Action rejects claims 3 through 5 under 35 USC §103(a) as being unpatentable over Gluckin.

Applicants respectfully traverse these rejections.

Independent claim 1 recites an undergarment that includes a support layer, a transparent layer that substantially overlies the support layer, and an intermediate layer for adhering or fusing the transparent layer and the support layer. The support layer or the intermediate layer has a design or pattern thereon that is visible through the transparent layer.

Gluckin provides a fabric that is a non-plastic content fabric of "cotton" or "tricot". (col. 3, lines 18-19). Gluckin further provides for a second blank "be[ing] of stretchable body cloth which could be polyester lace, shadow cloth, cotton or the like". (col. 3, lines 40-43).

The Office Action asserts that open work or net fabric can be seen through and is therefore transparent or translucent with lace being defined as fine netting or open work fabric. Lace is not a transparent layer. In fact, lace is solid and has openings therethrough that is not a layer, let alone a transparent layer that substantially overlies a support layer to permit visualization of a design or pattern therethrough.

Therefore, a transparent layer that substantially overlies said support layer and a support layer or an intermediate layer that has a design or pattern thereon that is visible

through a transparent layer as recited by claim 1 is not disclosed or suggested by Gluckin.

Claims 2 through 6 and 8 depend from claim 1, and, thus, are also not disclosed or suggested by Gluckin.

In addition, claim 8 further provides that the support layer is shaped to essentially extend under a wearer's breasts and along a lower and side breast profile when the undergarment is worn.

Gluckin provides "one cutout 90, in prepared blank 86, is destined to serve as a frame or encircling support for the right side breast cup 106." (col. 3, lines 34-36). In addition, as clearly shown in Figure 10, the second blank covers the one cutout designated by reference numeral 90. Therefore, neither the prepared blank or the second blank are shaped to essentially extend under a wearer's breasts and along a lower and side breast profile when the undergarment is worn, as recited by claim 8. Thus, Gluckin fails to disclose or suggest all of the features of claim 8.

Independent claim 9 recites an undergarment including a seamless support layer, a seamless transparent layer that substantially overlies the seamless support layer, and an adhesive or fusing layer. The adhesive or fusing layer securely adheres or fuses the seamless transparent layer to the seamless support layer. The seamless support layer or the adhesive or fusing layer has a design or pattern thereon that is visible through the seamless transparent layer.

Again, Gluckin provides a fabric that is a non-plastic content fabric of "cotton" or "tricot". (col. 3, lines 18-19). Gluckin further provides for a second blank "be[ing] of stretchable body cloth which could be polyester lace, shadow cloth, cotton or the like". (col. 3, lines 40-43).

As discussed above, the Office Action asserts that open work or net fabric can be

seen through and is therefore transparent or translucent with lace being defined as fine netting or open work fabric. Lace is not a transparent layer. In fact, lace is solid and has openings therethrough that is not a layer, let alone a transparent layer that substantially overlies a support layer to permit visualization of a design or pattern therethrough.

Therefore, Gluckin fails to disclose or suggest a seamless transparent layer that substantially overlies the seamless support layer and that the seamless support layer or the adhesive or fusing layer that has a design or pattern thereon that is visible through the seamless transparent layer.

Claims 10 through 13 depend from claim 9, and, thus, are also not disclosed or suggested by Gluckin.

In addition, claim 10 further provides that the undergarment is a brassiere.

Gluckin provides for a center seam, as seen in Fig. 2. (col. 3, line 4). Gluckin further provides "each of the brassiere side panels 70 and 72 is identically constructed". Therefore, Gluckin provides two non-plastic content fabric layers, two heat sensitive polyester plastic-fill layers, and two second blanks connected by the center seam, rather than a brassiere having a seamless transparent layer and a seamless support layer as recited by claim 10.

Therefore, a brassiere having a seamless transparent layer and a seamless support layer as recited by claim 10 are not disclosed or suggested by Gluckin.

Furthermore, claim 13 provides that the support layer is shaped to extend under a wearer's breasts along the lower and side breast profile to substantially support the breasts when the undergarment is worn.

Again, Gluckin provides "one cutout 90, in prepared blank 86, is destined to

serve as a frame or encircling support for the right side breast cup 106.” (col. 3, lines 34-36). In addition, as clearly shown in Figure 10, the second blank covers the one cutout designated by reference numeral 90. Therefore, neither the prepared blank or the second blank are shaped to extend under a wearer’s breasts along the lower and side breast profile to substantially support the breasts when the undergarment is worn, as recited by claim 13. Thus, Gluckin fails to disclose or suggest all of the features of claim 13.

Independent claim 14 provides that the support layer provides reinforcing support along a lower profile portion of the cup.

Gluckin provides “one cutout 90, in prepared blank 86, is destined to serve as a frame or encircling support for the right side breast cup 106.” (col. 3, lines 34-36). Therefore, the prepared blank does not provide reinforcing support along a lower profile portion of the cup in contrast to the support layer of claim 14. Thus, Gluckin fails to disclose or suggest all of the features of claim 14.

Claims 15 through 18 depend from claim 14, and, thus, are also not disclosed or suggested by Gluckin.

In addition, claim 18 provides that the support layer is shaped so that when the undergarment is worn, the support layer essentially extends under a wearer’s breasts and along the lower and side breast profile.

Gluckin provides “one cutout 90, in prepared blank 86, is destined to serve as a frame or encircling support for the right side breast cup 106.” (col. 3, lines 34-36). In addition, as clearly shown in Figure 10, the second blank covers the one cutout designated by reference numeral 90. Therefore, neither the prepared blank or the second blank are shaped so that when the undergarment is worn, the support layer essentially extends under a wearer’s breasts and along the lower and side breast profile, as recited by claim 18. Thus, Gluckin fails to disclose or suggest all of the

features of claim 18.

Accordingly, Applicants respectfully request favorable reconsideration and withdrawal of the rejections of these claims.

Claims 19 through 24 have been added.

New claim 19 provides a brassiere including a support layer. The support layer is shaped so that when the brassiere is worn, the support layer essentially extends under a wearer's breasts and along the lower and side breast profile. A transparent layer that substantially overlies the support layer. An intermediate layer for adhering or fusing an outer surface of the transparent layer and an inner surface of the support layer. The support layer or the intermediate layer is visible through the seamless transparent layer. Applicants respectfully submit that support for this feature may be found on page 7, lines 24 through 27.

New claim 20 includes all of the features of claim 19 and further provides that the intermediate layer creates a design or pattern visible through the transparent layer. Applicants respectfully submit that support for this feature may be found on page 6, lines 23 through 27 and page 7, lines 5 through 8 of the application. New claim 21 includes all of the features of claim 19 and further provides that the intermediate layer is selectively applied to a portion of the brassiere. Applicants respectfully submit that support for this feature may be found on page 6, lines 25 through 26. New claim 22 includes all of the features of claim 21 and further provides that the portion comprises a lower portion that corresponds to a wearer's breasts. Applicants respectfully submit that support for this feature may be found on page 7, lines 1 through 2. New claim 23 includes all of the features of claim 19 and further provides that the intermediate layer is substantially transparent. Applicants respectfully submit that support for this feature may be found on page 7, lines 5 through 8. New claim 24 includes all of the features of claim 19 and further provides that the intermediate layer is resilient. C Applicants

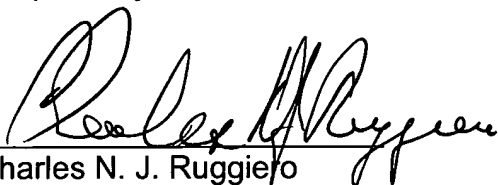
respectfully submit that support for this feature may be found on page 6, lines 11 through 14 and page 5, lines 7 through 9.

Gluckin fails to disclose or suggest all of the features of claims 19 through 24 described above.

In view of the foregoing, Applicants respectfully submit that the present application is in condition for allowance. If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,

Date:

November 10, 2005 

Charles N. J. Ruggiero

Reg. No. 28,468

Attorney for Applicant(s)

Ohlandt, Greeley, Ruggiero & Perle, L.L.P.

One Landmark Square, 10th floor

Stamford, CT 06901-2682

Tel: (203) 327-4500

Fax: (203) 327-6401